

member, wherein the sound absorbing structure is without a rear air layer, wherein 25%-compressive hardness of said porous member is  $0.5 \text{ N/cm}^2$  or lower, wherein said holes extend through the sound absorbing structure, and wherein a main component of the porous member is made of rubber.

**REMARKS**

Claims 1-4, 6-15, 17-21, 23-27, 29-34, 36-41, 43 and 49-51 are present in this application. By this Amendment, claims 1, 34, 41 and 51 have been amended, and claims 22, 28, 35, 42 and 44-48 have been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1-4, 6, 7, 19-24 and 44-51 were rejected under 35 U.S.C. §102(a) or, in the alternative, under 35 U.S.C. §103(a) over Japanese Patent Publication 10-182865 (JP '865). This rejection is respectfully traversed.

Both of independent claims 1 and 51 recite that 25%-compressive hardness of the porous member is  $0.5 \text{ N/cm}^2$  or lower. The resulting advantages of such structure are described in detail in the present application. Without reference to any specific teaching in JP '865, the Office Action broadly concludes that "the porous member of JP '865 meets all the limitations of structure and chemistry." With respect to the compressive-hardness, the Office Action contends simply that this structure is "inherently present" in JP '865.

It has been held that "before a reference can be found to disclose a feature by virtue of its inherency, one of ordinary skill in the art viewing the reference must understand that the unmentioned feature at issue is necessarily present in the reference." See, for example, *Continental Can Co. USA v. Monsanto Co.*, 20 USPQ2d 1746, 1749-50